

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised March 24, 2022*

Pursuant to A.R.S. Section 38-431.02, notice is hereby given the **ZONING ADJUSTMENT HEARING OFFICER** and to the general public, that the **CITY OF PHOENIX ZONING ADJUSTMENT HEARING OFFICER** held a meeting open to the public on **February 24, 2022 at 9:00 AM (Items 1-6) and 1:30 PM (Items 7-14)**.

Per the most recent guidelines from the federal government, the Zoning Adjustment Hearing Officer meeting was held electronically, via a video conferencing platform.

The results of the meeting were as follows:

RESULTS
Approved
w/stips

9:00 AM

1. Application #: ZA-686-21-6
Existing Zoning: C-2
Location: 2815, 2821, and 2827 East Indian School Road
Quarter Section: 16-34(H10)
Proposal: **1)** Use Permit to allow for a drive-through as an accessory use to a restaurant (Al Pastor Drive-Thru Restaurant) when the queuing lane is within 300-feet of a residential district. Use permit required. **2)** Use permit to allow outdoor dining as an accessory use to a restaurant (Al Pastor Drive-Thru Restaurant) within 500 feet of a residential district. Use permit required. **3)** Use permit to allow outdoor consumption of alcoholic beverages as an accessory use to a restaurant (Al Pastor Drive-Thru Restaurant) within 500 feet of residential zoning. Use permit required. **4)** Variance to reduce the perimeter landscape setback (west) not adjacent to a street to 0 feet. Minimum 10 feet required.
Ordinance Sections: 623.D.157.d.(2) 623.D.157.c 623.D.157.c 623.E.4.e
Applicant: James Greaves, G2 Al Pastor
Representative: Dorota Grodzinska, Aline Architecture Concepts, LLC
Owner: James Greaves, G2 Al Pastor

Stipulations:

- 1) Provide a 3 foot wide landscape strip along the east property line.
- 2) The hours of operation shall be limited to 9:00 AM to 10:00 PM Sunday through Thursday, and 9:00 AM to midnight Friday and Saturday, for the outdoor dining and drive-through.
- 3) 1 year to apply and pay for building permits.
- 4) Per site plan date stamped December 9, 2021, pertaining to the size and location of the outdoor patio.
- 5) The drive aisle along the east property line shall be reduced to 29 feet in width.
- 6) Provide a 2.6 foot wide landscape strip along the west property line.

- 7) The employees must have a clear view of the area to supervise the activities and/or be present while patrons utilize the outdoor area.
- 8) The outdoor dining area be sufficiently illuminated and contained to discourage and unlawful activity. The precinct commander, or his designee, may approve lighting, containment area, and security personnel at their discretion.

Approved w/stips 2. Application #: ZA-690-21-6
 Existing Zoning: R1-14 ACSPD
 Location: 6140 East Calle Tuberia
 Quarter Section: 16-42(H12)
 Proposal: Variance to allow a closed projection to encroach 8 feet into the required front yard (south) setback. Maximum 5 foot projection for no more than one-half of the maximum width of the structure permitted.
 Ordinance Sections: 701.A.3.a.(2).(c)
 Applicant: Christopher J. Pela, Studio Pela, PLLC
 Representative: Christopher J. Pela, Studio Pela, PLLC
 Owner: Carl and Samantha Woszczynski
 Stipulations:
 1) 1 year to apply and pay for building permits.
 2) Per site plan date stamped December 13, 2021, with the exception that the wall running along the east property line shall be modified to ensure visibility to the north along 62nd street.

Continued 3. Application #: ZA-691-21-4
 Existing Zoning: R1-6 HP
 Location: 1111 and 1121 West Heatherbrae Drive
 Quarter Section: 17-26(H8)
 Proposal: Variance to reduce the side yard setback (west) to 3 feet. Minimum 10 feet required.
 Ordinance Sections: 613.B.Table B
 Applicant: Travis Bradley, E5 Design Build
 Representative: Travis Bradley, E5 Design Build
 Owner: David Coon
 Continued to April 28, 2022 at 9:00 AM.

***Denied** 4. Application #: ZA-692-21-7
 Existing Zoning: A-2
 Location: 1510 North 21st Avenue
 Quarter Section: 12-24(G7)
 Proposal: **1)** Use Permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Use permit to allow a medical marijuana infusion facility. Use permit required. **3)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.

**Approved
w/stips**

5.

4) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.

Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b

Applicant: Nick Labadie, Rose Law Group, PC

Representative: Nick Labadie, Rose Law Group, PC

Owner: Phoenix Freeway Partners, LLC

Taken out from under advisement on March 24, 2022 and denied.

Application #: ZA-696-21-4

Existing Zoning: A-2

Location: 3422 West Clarendon Avenue

Quarter Section: 16-21(H6)

Proposal: **1) Use Permit to allow a medical marijuana cultivation facility. Use permit required. 2) Use permit to allow a medical marijuana infusion facility. Use permit required. 3) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. 4) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.**

Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b

Applicant: Jamie Meyer, Great White Farms, LLC

Representative: Jamie Meyer, Great White Farms, LLC

Owner: HCZ Custom Homes, Inc.

Stipulations:

- 1) The Use Permit shall be reviewed within 365 days of the issuance of the dispensary certificate for a medical marijuana use or approval to operate the cultivation and/or infusion from the Arizona Department of Health Services.
- 2) The applicant has 1 year to apply and pay for building permits.
- 3) Obtain a certificate for medical marijuana use from the Arizona Department of Health Services or approval to operate. If no certificate or approval to operate is granted within 1 year of the approval of this Variance/Use Permit, the Zoning Administrator shall schedule a revocation hearing for this Use Permit.
- 4) The applicant shall submit a security plan provided to the Arizona Department of Health Services to the Planning and Development Department.
- 5) The applicant shall notify in writing the area's Police Precinct Commander of establishing such facility. Notice of this contact shall be submitted in writing to the Planning and Development Department.
- 6) Applicant shall install and maintain per manufacturer's specifications an odor control system prior to the commencement of operations. Applicant shall submit an odor control plan identifying contact person for odor complaints to the Planning and Development Department.

- 7) Applicant shall notify the Planning and Development Department in writing within 30 days of when there is a change in the operator or entity's name.

**Approved
w/stips**

6. Application #: ZA-697-21-8
Existing Zoning: A-1
Location: 4116 East Superior Avenue
Quarter Section: 6-37(E10)
Proposal: **1)** Time extension of ZA-692-20, use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Time extension of ZA-692-20, variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **3)** Time extension of ZA-692-20, variance to allow a medical marijuana cultivation facility within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required.
Ordinance Sections: 627.D.91.a. 627.D.91.c. 627.D.91.f.
Applicant: Theodore C. Pappas, N&A Enterprises, LLC
Representative: David Dow, David Dow Law Office
Owner: 4116 Superior LLC

Stipulations:

- 1) The Use Permit shall be reviewed within 365 days of the issuance of the dispensary certificate for a medical marijuana use or approval to operate the cultivation and/or infusion from the Arizona Department of Health Services.
- 2) The applicant has 1 year to apply and pay for building permits.
- 3) Obtain a certificate for medical marijuana use from the Arizona Department of Health Services or approval to operate. If no certificate or approval to operate is granted within 1 year of the approval of this Variance/Use Permit, the Zoning Administrator shall schedule a revocation hearing for this Use Permit.
- 4) The applicant shall submit a security plan provided to the Arizona Department of Health Services to the Planning and Development Department.
- 5) The applicant shall notify in writing the area's Police Precinct Commander of establishing such facility. Notice of this contact shall be submitted in writing to the Planning and Development Department.
- 6) Applicant shall install and maintain per manufacturer's specifications an odor control system prior to the commencement of operations. Applicant shall submit an odor control plan identifying contact person for odor complaints to the Planning and Development Department.
- 7) Applicant shall notify the Planning and Development Department in writing within 30 days of when there is a change in the operator or entity's name.

1:30 PM

**Approved
w/stips**

7. Application #: ZA-195-14-7 (1 year review of use permit)
Existing Zoning: A-1
Location: 3333 South Central Avenue
Quarter Section: 6-28(E8)
Proposal: **1)** Use permit to allow a medical marijuana cultivation facility in A-1 zoning district. Use permit is required. **2)** Use permit to allow a medical marijuana infusion facility in A-1 zoning district. Use permit is required. **3)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. **4)** Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility.
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
Applicant: Steve Cottrell, Curaleaf President of AZ Operations
Representative: Steve Cottrell, Curaleaf President of AZ Operations
Owner: Walter Gilbert Esq., Gilbert Bird Law Firm

Stipulations:

- 1) The Use Permit shall be reviewed within 365 days of the issuance of the dispensary certificate for a medical marijuana use or approval to operate the cultivation and/or infusion from the Arizona Department of Health Services.
- 2) The applicant has 1 year to apply and pay for building permits.
- 3) Obtain a certificate for medical marijuana use from the Arizona Department of Health Services or approval to operate. If no certificate or approval to operate is granted within 1 year of the approval of this Variance/Use Permit, the Zoning Administrator shall schedule a revocation hearing for this Use Permit.
- 4) The applicant shall submit a security plan provided to the Arizona Department of Health Services to the Planning and Development Department.
- 5) The applicant shall notify in writing the area's Police Precinct Commander of establishing such facility. Notice of this contact shall be submitted in writing to the Planning and Development Department.
- 6) Applicant shall install and maintain per manufacturer's specifications an odor control system prior to the commencement of operations. Applicant shall submit an odor control plan identifying contact person for odor complaints to the Planning and Development Department.
- 7) Applicant shall notify the Planning and Development Department in writing within 30 days of when there is a change in the operator or entity's name.

**Approved
w/stips**

8. Application #: ZA-567-15-7 (1 year review of use permit)
Existing Zoning: A-1 RSIOD
Location: 3333 South Central Avenue, 14 and 18 East Victory Street

Quarter Section: 6-28(E8)
 Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. Use permit required. **2)** Variance to allow a medical marijuana dispensary within 5,280 feet of another medical marijuana facility. Minimum of 5,280 feet separation required.
 Ordinance Sections: 627.D.92.a 627.D.92.d
 Applicant: Steve Cottrell, Curaleaf President of AZ Operations
 Representative: Steve Cottrell, Curaleaf President of AZ Operations
 Owner: Walter Gilbert Esq., Gilbert Bird Law Firm

Stipulations:

- 1) The Use Permit shall be reviewed within 365 days of the issuance of the dispensary certificate for a medical marijuana use or approval to operate the cultivation and/or infusion from the Arizona Department of Health Services.
- 2) The applicant has 1 year to apply and pay for building permits.
- 3) Obtain a certificate for medical marijuana use from the Arizona Department of Health Services or approval to operate. If no certificate or approval to operate is granted within 1 year of the approval of this Variance/Use Permit, the Zoning Administrator shall schedule a revocation hearing for this Use Permit.
- 4) The applicant shall submit a security plan provided to the Arizona Department of Health Services to the Planning and Development Department.
- 5) The applicant shall notify in writing the area's Police Precinct Commander of establishing such facility. Notice of this contact shall be submitted in writing to the Planning and Development Department.
- 6) Applicant shall install and maintain per manufacturer's specifications an odor control system prior to the commencement of operations. Applicant shall submit an odor control plan identifying contact person for odor complaints to the Planning and Development Department.
- 7) Applicant shall notify the Planning and Development Department in writing within 30 days of when there is a change in the operator or entity's name.

**Approved
w/stips**

9. Application #: ZA-693-21-2
 Existing Zoning: C-2 NBCC, R-4 NBCC, R-3 NBCC
 Location: 2800 West Sonoran Drive
 Quarter Section: 55-22(Q7)
 Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (PAD A, Shops A, PAD B, Shops B) within 500 feet of a residential zoning district. Use permit required. **2)** Use permit to allow a drive-through facility as an accessory use to a restaurant (PAD A, PAD B, Shops B) within 300 feet of a residential district zoning line. Use permit required

Ordinance Sections: 623.D.157.c 623.D.157.d.(2)
Applicant: Wendy Riddell, Berry Riddell, LLC
Representative: Wendy Riddell, Berry Riddell, LLC
Owner: Britmet Ventures, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per site plan signed and dated by the Hearing Officer on February 24, 2022, pertaining to the size and location of the outdoor dining areas and the drive-throughs.
- 3) Provide a 6 foot masonry (CMU stucco or decorative block) along the north property line.
- 4) Provide a screen wall (3.5 feet in height) along the West, South and East sides of the site adjacent to all drive-throughs.

**Approved
w/stips**

10. Application #: ZA-694-21-7
Existing Zoning: C-2
Location: 2675 South 67th Avenue
Quarter Section: 7-13(E4)
Proposal: Use permit to allow a car wash in an open building. Use permit required.
Ordinance Sections: 623.D.41
Applicant: Mr. Truck Bettin, Cobblestone Auto Spa
Representative: Jesse Macias, M3 Design
Owner: Ms. Tina Kelty, GDC 25th & Peoria, LLC

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) Per site plan signed and dated by the Hearing Officer on February 24, 2022.

**Approved
w/stips**

11. Application #: ZA-699-21-8
Existing Zoning: R-5 HP
Location: 1510 East Portland Street
Quarter Section: 12-30(G9)
Proposal: Use permit to reduce parking for special needs population to 60 spaces. Minimum 168 spaces required.
Ordinance Sections: 702.E.6
Applicant: Reid Butler, Butler Housing Company, Inc.
Representative: Reid Butler, Butler Housing Company, Inc.
Owner: James P. Danaher, 1110 N. 16th St., LLC

Stipulations:

- 1) 2 years to apply and pay for building permits.
- 2) Per site plan date stamped December 16, 2021, pertaining to the location and screening of the parking area.

**Approved
w/stips**

12. Application #: ZA-701-21-6
Existing Zoning: R-3
Location: 4129 East Sandia Street
Quarter Section: 07-37(B10)

Proposal: Variance to reduce the rear yard setback (west) to 8 feet. Minimum 15 feet required.
Ordinance Sections: 615.B.Table B.(b)
Applicant: Kevin and Deborah Creegan
Representative: Kevin and Deborah Creegan
Owner: Kevin and Deborah Creegan

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per site plan date stamped December 17, 2021.

Continued

13. Application #: ZA-702-21-8
Existing Zoning: R-5 SPVTABDO FCOD
Location: 2511, 2515, 2527, 2531, 2539 and 2535 East Broadway Road
Quarter Section: 4-33(E9)
Proposal: Variance to allow an over height fence (6 feet) within the front yard setback (north). Maximum 40 inches permitted.
Ordinance Sections: 703.A.2.a
Applicant: George Alper, Ringo Holdings, Co., LLC
Representative: Ethan Brunson, 511 Design
Owner: George Alper, Ringo Holdings Co., LLC

Continued to April 28, 2022 at 1:30 PM.

**Approved
w/stips**

14. Application #: ZA-700-21-3
Existing Zoning: A-1
Location: 2017, 2011, and 2001 West Peoria Avenue
Quarter Section: 28-24(K7)
Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. Use permit required. **2)** Use permit to allow a medical marijuana infusion facility. Use permit required. **3)** Variance to allow a medical marijuana dispensary facility within 5,280 feet of a similar use. Minimum 5,280 feet of separation required. **4)** Variance to allow a medical marijuana infusion facility within 5,280 feet of a similar use. Minimum 5,280 feet of separation.
Ordinance Sections: 627.D.92.a 627.D.93.a 627.D.92.d 627.D.93.b
Applicant: Jesse Francoeur, Harvest of Phoenix - North Mountain
Representative: Larry Lazarus, Lazarus & Silvyn, P.C.
Owner: Jeff Oursland, FAPM Holdings, LLC

Stipulations:

- 1) The Use Permit shall be reviewed within 365 days of the issuance of the dispensary certificate for a medical marijuana use or approval to operate the cultivation and/or infusion from the Arizona Department of Health Services.
- 2) The applicant has 18 months to apply and pay for building permits.

- 3) Obtain a certificate for medical marijuana use from the Arizona Department of Health Services or approval to operate. If no certificate or approval to operate is granted within 18 months of the approval of this Variance/Use Permit, the Zoning Administrator shall schedule a revocation hearing for this Use Permit.
- 4) The applicant shall submit a security plan provided to the Arizona Department of Health Services to the Planning and Development Department.
- 5) The applicant shall notify in writing the area's Police Precinct Commander of establishing such facility. Notice of this contact shall be submitted in writing to the Planning and Development Department.
- 6) Applicant shall install and maintain per manufacturer's specifications an odor control system prior to the commencement of operations. Applicant shall submit an odor control plan identifying contact person for odor complaints to the Planning and Development Department.
- 7) Applicant shall notify the Planning and Development Department in writing within 30 days of when there is a change in the operator or entity's name.
- 8) The applicant shall submit a revocation for ZA-90-18-3 within 60 days of obtaining the approval to operate from the Arizona Department of Health Services.
- 9) Security, lighting, and cameras to be provided around the building and in all parking areas.
- 10) The site shall be landscaped along the street frontage.

ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI
PLANNER: JAZMINE BRASWELL, PLANNER II

For further information, please call Eric Morales, Planner II, Planning and Development Department at 602-262-7927, or contact via electronic mail at zoning.adjustment@phoenix.gov. This electronic mail address will not accommodate zoning enforcement/violation complaints.

This publication can be made available in alternate format upon request. To request a reasonable accommodation, please contact Les Scott at 602-376-3981, les.scott@phoenix.gov
TTY: Use 7-1-1.

March 24, 2022